

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., *et al.*,  
  
Debtors.

Chapter 11

Case No. 22-11068 (JTD)

(Jointly Administered)

---

FTX TRADING LTD. and MACLAURIN  
INVESTMENTS LTD.,

Plaintiffs,

-against-

LOREM IPSUM UG, PATRICK GRUHN,  
ROBIN MATZKE, and BRANDON  
WILLIAMS,

Defendants.

---

Adv. Pro. No. 23-50437 (JTD)

**Motion to Dismiss Or For Summary Judgment**

Defendant, Brandon Williams, moves as to Counts One and Two of the Complaint under Fed. R. Bankr. P. 7012(b) and Fed. R. Civ. P. 12 (b)(6) to dismiss for failure to state a claim upon which relief can be granted or, in the alternative, under Fed. R. Bankr. P. 7056 and Fed. R. Civ. P. 56 and 12(d) for summary judgment based upon the material facts not in genuine dispute and governing law. The grounds for this motion are set forth and discussed in the accompanying Brief. The accompanying Appendix contains exhibits in support of this motion.

To preserve his right to a jury trial in the event his motion is not granted, Brandon Williams does not consent to the Bankruptcy Court entering final judgment but reserves the right to do so at a later date.

/s/ Gregory L. Arbogast  
Lawrence J. Gebhardt (*pro hac vice*  
*pending*)  
Gregory L. Arbogast (No. 6255)  
GEBHARDT & SMITH LLP  
1000 N. West Street, Suite 1200  
Wilmington, DE 19801  
T: (302) 295-5038  
F: (443) 957-4325  
Garbogast@gebsmith.com

*Attorneys for Defendant,  
Brandon Williams*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October, 2023, copies of the Motion to Dismiss or for Summary Judgment, Opening Brief in Support of Motion to Dismiss Or for Summary Judgment, and Appendix were sent via Federal Express to:

Adam G. Landis, Esq.  
Matthew B. McGuire, Esq.  
Kimberly A. Brown, Esq.  
Matthew R. Pierce, Esq.  
Landis Rath & Cobb LLP  
919 Market Street, Suite 1800  
Wilmington, DE 19801

Steven L. Holley, Esq.  
Stephen Ehrenberg, Esq.  
Brian D. Glueckstein, Esq.  
Christopher J. Dunne, Esq.  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, NY 10004

Counsel for the Debtors and Debtors-in-Possession

Darrell M. Daley, Esq.  
Samantha Neal, Esq.  
The Daley Law Firm, LLC  
4845 Pearl East Circle, Suite 101  
Boulder, CO 80301

Heath D. Rosenblat, Esq.  
Joseph T. Moldovan, Esq.  
Michael Mix, Esq.  
Morrison Cohen LLP  
909 Third Avenue, 27<sup>th</sup> Floor  
New York, NY 10022

Counsel to Lorem Ipsum UG, Patrick Gruhn  
And Robin Matzke

/s/ Gregory L. Arbogast  
Gregory L. Arbogast